

WaiversFirst Name Last Name Claim Number

Amount OGC Received Date Assigned To Assigned Date
\$236.00 12/17/2018 redden, kenneth 04/09/2019

EPA Decision EPA Decision Date Amount Approved Status
APPROVED 04/29/2019 \$228.02 CLOSED

Appeal Comments

No was originally being held for transfer to IBC and wasn't assigned to anyone internally - given delay in IBC transfer, now assigning to Ken.

has retired from EPA since filing his waiver request. As per decision instructions, OCFO & IBC to process the refund.

Type

Standby Premium Pay

Attachments

From: Redden, Kenneth

Sent: Monday, April 29, 2019 9:51 AM

To:

Cc: Sisson, Ann <Sisson.Ann@epa.gov>; Elliott, Kechi P.

<Elliott.Kechi@epa.gov>

Subject: Waiver Request for Debt ID # Q2540255801

This email is in response to your "Waiver/Remission of Indebtedness Application" regarding Debt ID # Q2540255801 which was forwarded to my office on 12/17/18. Your request seeks approval of a waiver for a gross amount of \$236.00. The documents you submitted seem to indicate that the Agency repaid itself by withholding \$228.02 from your subsequent paychecks, more specifically \$216.08 from your Earnings & Leave Statement and \$11.94 from your Thrift Savings Plan. For the reasons set forth herein, your request for waiver in the amount of \$228.02 is approved.

Briefly stated, you allege that for pay periods ending August 4, 2018 and August 28, 2018, you were overpaid salary in a gross amount of \$236.00. Apparently, due to an administrative error, the Agency continued to pay you standby duty pay of 25 % of your biweekly salary when the correct percentage was 20%.

In your request for waiver, you indicate you first became aware of the pay errors on August 31, 2018 and reported these pay errors to HRPayHelp via email per the instructions at the bottom of your Earnings & Leave Statement. You also state that you copied the email to your direct

supervisor, your second-line supervisor, and a staff person in your office that is responsible for requesting changes to standby pay.

Under 5 U.S.C. § 5584, I have the authority to waive collection of erroneous payments of pay or allowances if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he/she was being overpaid- the employee is deemed to be at fault. B-271308, April 18, 1996. In the present case, I find that the erroneous payments were caused by Agency administrative error. Therefore, the only issue before me is whether you have established a sufficient basis for me to conclude that repayment of the debt caused by the erroneous payments should be waived.

My decisions and those of the Comptroller General stress the importance of employees monitoring their Earnings & Leave Statements and other pay documents. These documents are provided to employees so that they will use them to verify their employment and pay status. Generally, if an employee has records which if reviewed would indicate an overpayment and the employee fails to review these documents for accuracy, then the employee is not without fault and waiver will be denied. B-226465, March 23, 1988. The only issue is whether you knew or should have suspected a pay error based upon information contained in your biweekly Earnings & Leave Statements.

There is nothing in the record which reveals a factual basis upon which I could conclude that you knew or should have known that the standby pay percentage applied to your biweekly pay was in error. In fact, the previous EPA Claims Officer in a decision issued on April 7, 2015 concluded the very same thing in a similar situation for you. The request for waiver in the amount of \$228.02 related to Debt ID # Q2540255801 is approved.

By copy of this email, the Office of the Chief Financial Officer should work with the Interior Business Center as appropriate to make any corrective pay actions which may be necessary including refunding the portion of the amount you paid on the debt associated with the pay errors.